



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SEIU Local 1984, Rockingham County DOC Employees

Complainant

v.

Rockingham County DOC

Respondent

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Case No: S-0386-17

Decision No. 2006-223

**ORDER ON SEIU LOCAL 1984, ROCKINGHAM COUNTY
DOC EMPLOYEES' MOTION FOR AN INTERIM ORDER**

BACKGROUND

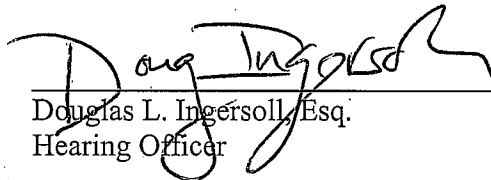
The SEIU Local 1984, Rockingham County DOC Employees (the "Union") filed an unfair labor practice charge on December 11, 2006. The Union claims that Rockingham County DOC (the "County") refuses to negotiate unless the Union agrees in writing to certain changes to the parties' existing negotiation ground rules. According to the Union, the parties agreed to the original ground rules at the time collective bargaining commenced in August, 2005. The parties proceeded from negotiations to mediation and recently returned to the negotiation process. The Union claims that the County now demands an agreement that the parties will refrain from making public statements in the event the parties reach impasse. The Union agrees with this proposition to a certain extent (contingent on good faith negotiation by the County) but declines to document an agreement in the form requested by the County in writing.

On December 13, 2006 the Union filed a motion seeking an Interim Order directing the County to return to the bargaining table immediately. In substance the Union claims that absent such an order the Union will be prejudiced and suffer irreparable harm since the parties otherwise may not conclude negotiations prior to the Spring, 2007 deadline for submitting the contract to the County delegation for funding purposes. According to the Union, this means the employees will likely lose their ability to secure a wage increase for the 2007-2008 contract year in addition to not having received a wage increase during the 2006-2007 contract year.

Upon review the hearing officer finds that the Union has not satisfied the preliminary standards relating to interim relief. Because the operative deadline is still over three months away, the Union is not in fact currently facing the claimed prejudice or irreparable harm and the PELRB's intervention via an interim order is not justified. The Union has not demonstrated that a PELRB order is necessary or appropriate at this time in order for contract negotiations to be conducted and concluded by the Spring, 2007 deadline. Additionally, the underlying unfair labor practice complaint will be scheduled for a hearing on the merits in January, 2007, which should allow for a timely decision in view of the Spring, 2007 deadline.

This matter shall be scheduled for an expedited file review by the next panel of Board members constituting a quorum.

So ordered.
December 14, 2006.



Douglas L. Ingersoll, Esq.
Hearing Officer

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